

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL WILLIAMS, KYU PYO HAN,
and MAN SUP WOO,

Defendants.

Case No. CR05-265-RSM-JPD

DETENTION ORDER
Material Witness

In re Material Witness:

YOUNG SUNG KIM

Offense charged: Material Witness

Date of Detention Hearing: July 21, 2005

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f) and 3144, and based upon the factual findings and statement of reasons hereafter set forth, finds that detention is necessary to adequately secure the testimony of the material witness, and to prevent a failure of justice.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Mr. Kim was arrested on a material witness warrant in the matter of United States v. Michael Williams, et al., CR05-0265-RSM, upon a finding that it was impracticable to secure

his presence by subpoena. He made his initial appearance in this Court on July 15, 2005.

(2) The United States has moved to detain Mr. Kim pursuant to 18 U.S.C. § 3144 for a reasonable period until his deposition can be taken pursuant to the Federal Rules of Criminal Procedure.

(3) There is an immigration detainer lodged against the witness. He has stipulated to detention due to the detainer placed on the witness by the Immigration and Customs Enforcement agency, but reserves the right to contest his continued detention if there is a change in circumstances.

(4) The material witness is a native and citizen of South Korea.

(5) There is no information available regarding the material witness's personal history, residence, family ties, or ties to the Western District of Washington, income, financial assets or liabilities, physical or mental health, or controlled substance use if any.

(6) The material witness is viewed as a risk of nonappearance based on his unknown background information and lack of information about any ties to this community or to the Western District of Washington.

(7) The Court finds that further detention is necessary to prevent a failure of justice. The material witness will be detained until his testimony can adequately be secured.

It is therefore ORDERED:

(1) The material witness shall be detained pending the taking of his testimony and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;


(2) The material witness shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which material

witness is confined shall deliver the material witness to a United States Marshal for the purpose of an appearance in connection with a court proceeding or for providing testimony in connection with a case pending in this court; and

- (4) The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the material witness, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 22nd day of July, 2005.


JAMES P. DONOHUE
United States Magistrate Judge